

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2858 of 2020

Huleshwar @ Hulas, S/o Bisarad, Aged About 20 Years, R/o Village Ragra, Police Station Chhuikhadan, District-Rajnandgaon (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through- The Station House Officer, Police Station- Kadgaon, District- Rajnandgaon (C.G.)

--- Respondent

For Applicant	:	Mr. Shaleen Singh Baghel, Advocate.
For State/ Respondent	:	Mr. D.P. Singh, Dy. A.G.
For Objector	:	Mr. Sumit Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21/07/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 06/2020, registered at Police Station- Kadgaon, District- Rajnandgaon (C.G.) for the offence punishable under Section 363, 366 (क), 376 of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 25.02.2020 and has been falsely implicated in this case. The prosecutrix was not minor and willingly she had given consent to go with the applicant and stayed with him in Hyderabad for one month. The applicant had made physical

relation with her on consensual basis, therefore, no case is made out against the applicant. Hence, it is prayed that this applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age below 18 years, therefore, willingness or consent given by her is immaterial, hence, the application for grant of bail may be rejected.
4. Learned counsel for the objector submits that the complainant has no objection in granting bail to the applicant. An application has also been filed by the complainant side along with affidavit of Moti Ram Tekam making statement that the complainant has no objection in granting bail to the applicant.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that this applicant abducted minor prosecutrix who happens to member of Scheduled Caste/ Scheduled Tribe and then by keeping her in his custody, he has exploited her sexually for about two months until the prosecutrix was recovered from his possession.
7. Considered on the submission and also the facts and circumstances of this case. As the complainant side has no objection, therefore, on due consideration, I feel inclined to grant bail to the applicant in this case.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one

surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy, as per rules.

**Sd/-
(Rajendra Chandra Singh Samant)
Judge**

Arun